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# TECHNICAL MEMORANDUM


## Utah Coal Regulatory Program

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August 11, 2011

TO: Internal File

THRU: Daron Haddock, Coal Program Manager 

FROM: Ingrid Campbell, Lead 

RE: Midterm Review Completion Response, Canyon Fuel Company, Banning Loadout, Permit C/007/0034, Task ID #3887

### SUMMARY:

On April 19, 2011, the Division notified Canyon Fuel Company (CFC) of the commencement of the midterm permit review for Banning Siding Loadout. The following items were listed in the notification as potential review items:

- A. Review of the Plan to ensure that the requirements of all permit condition, division orders, notice of violation (NOV), abatement plans, and permittee-initiated Plan changes approved subsequent to permit approval or renewal (whichever is the most recent) are appropriately incorporated into the Plan document.
- B. Ensure that the Plan has been updated to reflect changes in the Utah Coal Regulatory Program which have occurred subsequent to permit approval or renewal.
- C. Review applicable portions of the permit to ensure that the Plan contains commitments for application of the best technology currently available (BTCA) to prevent additional contributions of suspended solids to stream flows outside of the permit area.
- D. Evaluate the compliance status of the permit to ensure that all unabated enforcement actions comport with current regulations for abatement; verify the status of all finalized penalties levied subsequent to permit issuance or permit renewal, and verify that there are no demonstrated patterns of violation (POV). This will include an AVS check to ensure that Ownership and Control information is current and correct.

E. Evaluate the reclamation bond to ensure that coverage adequately addresses permit changes approved subsequent to permit approval or renewal, and to ensure that the bond amount is appropriately escalated in current-year dollars.

F. Evaluate the permit for compliance with variances or special permit conditions.

G. Optional for active mines, mandatory for reclamation only sites: conduct a technical site visit in conjunction with the assigned compliance inspector to document the status and effectiveness for operational, reclamation, and contemporaneous reclamation practices undertaken on predetermined portions of the disturbed area to minimize, to the extent practicable, the contribution of acid or toxic materials to surface or groundwater, and to otherwise prevent water pollution.

The midterm review was completed on May 19, 2011. Several items were identified that need to be updated in the M&RP. The Division requested that CFC submit an amendment to the permit which included the updates to the M&RP.

CFC submitted a response on August 8, 2011. This response is recommended for approval and incorporation into the M&RP.

**TECHNICAL ANALYSIS:**

**GENERAL CONTENTS**

**VIOLATION INFORMATION**

Regulatory Reference: 30 CFR 773.15(b); 30 CFR 773.23; 30 CFR 778.14; R645-300-132; R645-301-113

**Analysis:**

Violation information is included in General Chapter 1 table 1-2. This table includes a three year violation history from 2009-2011 for all mining and reclamation operations. The table is up to date. All Utah mining companies controlled by CFC (SUFCO, Banning, Soldier Hollow and Skyline) had no violations between 2009 and 2011.

**Findings:**

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

**RECOMMENDATIONS:**

This application is recommended for approval.